

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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October 31, 2008

BY HAND

Thomasenia Duncan, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 6068
Arcuri for Congress and Matt Sisti as Treasurer

Dear Ms. Duncan:

On behalf of our clients, Arcuri for Congress and Matt Sisti as Treasurer (collectively, "the Committee"), we write to respond to the complaint filed by Greg Rigby, dated September 17, 2008, and designated MUR 6068.

The complaint should be promptly dismissed. The sole basis for the complaint is that a single fundraiser invitation lacked the "paid for by" disclaimer required under 11 C.F.R. § 110.11. This error was an isolated problem that was the product of a miscommunication between the Committee and the volunteer hosts of the fundraiser in question, who sent the invitation. The Committee has since adopted procedures and policies to ensure that such an error does not occur again. Accordingly, the Commission should take no further action.

The Committee is the principal campaign committee of Congressman Michael Arcuri, Representative from New York's 24th Congressional District. The mailing in question was created, printed, and mailed by members of the Petrone family, volunteers for the Committee who hosted the fundraiser in question. The hosts paid for the printing of the invitation, the postage, and the refreshments at the fundraising event under the hospitality exemption. See 11 C.F.R. § 100.77 ("[T]he cost of invitations, food and beverages is not

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Thomasenia Duncan, Esq.

MUR 6068

Page 2

a contribution where such items are voluntarily provided by an individual volunteering personal services on the individual's residential premises . . .); *see also id.* § 100.137.

In preparing the invitation and the event, the hosts were in contact with the Committee's finance director. The finance director informed them of the necessary disclaimer language, including the required "paid for by" language and text box. However, due to an apparent miscommunication, the version of the invitation that the donors actually sent lacked the complete disclaimer language. The Committee was not aware of the missing text until after the invitation had been mailed.

Immediately upon seeing the invitation, the Committee contacted the hosts and attempted to stop the mailing. Unfortunately, that was not possible. However, the Committee subsequently adopted new policies and procedures to prevent future errors. Now, every invitation drafted by hosts must be approved by both the Committee's finance director and campaign manager before distribution. Hosts are informed that invitations may not be mailed until final approval is given by the campaign manager. Similarly, invitations drafted by the finance director may not be distributed until final approval is given by the campaign manager.

The Committee respectfully submits that the incident at issue here was isolated and that its policies will prevent future errors. For the foregoing reasons, we respectfully request that the complaint in MUR 6030 be dismissed.

Very truly yours,



Brian G. Svoboda

Kate Andrias

Counsel to Respondents

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